Supreme Court, U.S.
FILED

(1)

No. 94 460 MAY 18 1994

OFFICE OF THE CLERK

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1993

WILLIAM D. JACKSON, Petitioner

v.

CONGRESS OF THE UNITED STATES, et al.,

Respondent.

PETITION FOR WRIT OF CERTIORARI REVIEW FROM THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

PETITION FOR CERTIORARI

WILLIAM D. JACKSON
PETITIONER, PRO SE
44 58th Street, S.E.
Washington, D.C. 20019
202-581-1887

August, 1994

44 pp

QUESTIONS PRESENTED

1. Whether Petitioner has framed a Federal National Violation issue of a congressional enactment 18 U.S.C. 1307, 1974, "Pathological Lottery Advertisement?"

2. Whether this is a Federal issue under organic law that gives majestic authority that determines fundamental law and principles which invoke and establishes the organization of the Federal seat of the District of Columbia government?

3. Whether Petitioner is not bound by any particular words wherein the law violated is prescribed by the Constitution with enumerated power that must be obeyed. 18 U.S.C. 1304, 1895?

4. Whether this is a precise method that describes an enumerated issue held by Article

One of the United States Constitution, Article One, Section Eight Clauses 2, 3, 17, and 18?

5. Whether this third article court does have the duty to issue an extraordinary writ, with regard to a substantive issue it resolves, it is a case of first impression and the first to present this question (18 U.S.C. 1301-1304, 1895, Criminal Code Federal Title 18, Federal Law of Prohibitive Constant Substance?

LIST OF INTERESTED PARTIES

The Petitioner, Reverend William D. Jackson, was Plaintiff in the District Court and Plaintiff/Appellant before the U.S. Court of Appeals.

The Respondents, United States of America; U.S. Congress, were Defendants in the District Court. The respondents were Defendants/Appellees before the Court of Appeals.

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18 U.S.C. 1301-1304, 1895.

18 U.S.C. 1304, 1895?

18 U.S.C. 1307, 1974, "Pathological Lottery Advertisement?"

18 U.S.C. 2403.

28 U.S.C. 2403, Rule 65-28, U.S.C. 1331

THE FEDERAL RULES

Criminal Code Federal Title 18, Federal Law of Prohibitive Constant Substance?

Rule 65 - 18 U.S.C. 1331 - Federal question.

MISCELLANEOUS

No. _____

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1993

WILLIAM D. JACKSON, Petitioner

v.

CONGRESS OF THE UNITED STATES, et al.,

Respondent.

PETITION FOR WRIT OF
CERTIORARI REVIEW FROM THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

PETITION FOR CERTIORARI

THE DECISIONS BELOW

The February 28, 1994 PER CURIAM ORDER (App. B) granted motion, filed by Appellees January 3, 1994 (App. C); and FURTHER ORDERED that the petition for mandatory injunction be dismissed as moot. (The Clerk was directed to withhold the issuance of the mandate pending disposition of any timely petition for

rehearing.)

The April 14, 1994 PER CURIAM ORDER denying motion for injunction.

Petition received May 9, 1994 by the Court of Appeals and Certified but not docketed, as verified in the GENERAL DOCKET, U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT, (Docket as of May 17, 1994 10:14 am). The decision of the U.S. Court of Appeals for the District of Columbia Circuit is unreported.

JURISDICTION

The jurisdiction of the Supreme Court is invoked pursuant to 28 United States Code Section 1253 and 1254 (2) and 1257, by this timely Petition for Certiorari review of the decisions of the Court of Appeals below:

PRIMA FACIE ISSUE

Petitioner William D. Jackson moves petition for mandatory injunction from Congressional Enactment of the Pathological Lottery Act 18 U.S.C. 1307 (1974) that violates Article One of the United States Constitution be granted.

This is a Federal issue under organic law that gives majestic authority that determines fundamental law and principles which invoke and establishes the organization of the Federal seat of the District of Columbia government.

Whether Petitioner has framed a Federal National Violation issue of a congressional enactment 18 U.S.C. 1307, 1974, "Pathological Lottery Advertisement,"

Whether Petitioner is not bound by any particular words wherein the law violated is prescribed by the Constitution with enumerated power that must be obeyed. 18 U.S.C. 1304, 1895.

Whether this is a precise method that

describes an enumerated issue held by Article One of the United States Constitution, Article One, Section Eight Clauses 2, 3, 17, and 18.

Whether this third article court does have the duty to issue an extraordinary writ, with regard to a substantive issue it resolves, it is a case of first impression and the first to present this question (18 U.S.C. 1301-1304, 1895, Criminal Code Federal Title 18, Federal Law of Prohibitive Constant Substance.)

Perspective that is accepted as self evident and all important is the judgment found in the precedence of enactments and decisions.

Lottery in the District of Columbia 1802--prohibited 1843

Lottery advertised in states where lotteries were legal nationally prohibited in 1895.

AUTHORITY

Power over commerce - Gibbons v. Ogden (Wheaton Case) Daniel Webster

CONSTITUTIONALLY ADJUDICATED

Champion v. Ames (1903)

Government Standing to enter in lottery contract Stone v. Mississippi. F.F.O.P. - rule 65 - 18

U.S.C. 1331 - Federal question. Federal rules of judicial procedure, 18 U.S.C. 2403. When an act of Congress is called into question as being in violation to the U.S. Constitution (case of controversy).

Separation in Principal of Power

These United States are preempted from any voice in the National Federal issue.

This is a Constitutional Issue

Because it involves fundamental law in the Federal Seat of Government. The laws or system of laws that prescribes and regulates the manner of it's exercise.

Appellees for the United States certificate of counsel understands that the signature of an attorney or party constitutes a certificate that the signer has read the pleadings, motions or other papers; that to the best of the signers knowledge information and belief formed after reasonable inquiry is well grounded in fact an is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not

interposed for any improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

If a thorough answer requires a discussion of several subordinate matters - discuss in outline form. If they are sufficiently important under several point heading clarity of expression.

Persuasiveness of the discussion, soundness of conclusion manner of quality and citation of authority.

Appellant's appeal is a matter of right in that the appellee has not addressed either point heading that provides clarity of Federal Constitutional expression.

Potential oversight in that 18, U.S.C. 1307 violates positive law prescribed by the Constitution that provides citation absolute explicit substantive facts.

Pursuant to Fed. Rules of Civil Procedures, 28 U.S.C. 2403, Rule 65-28, U.S.C. 1331, federal question, Article 3, U.S. Federal case of

Controversy in violation of enumerated Act of the U.S. Constitution, Article 1, Section 8, Clause 3, 17, and 18 in violation of the supremacy clause, Article 6 and Amendments I, V, and XIV. Appellant respectfully moves that this court shall grant his substantive due process of law, 1st, 5th, and 14th Amendment rights to be heard in the constitutionally ordered court for this documented case of constitutionally ordered court for this documented case of controversy that is ripe, justiciable with no need for judicial constitutional construction. Appellant moves that due to constantly growing danger that can be violated (Page 1) that this federal question will be set for preliminary hearing now.

Respectfully submitted,

William D. Jackson
44 58th Street, S.E.
Washington, D.C. 20019

CERTIFICATE OF SERVICE

I, WILLIAM D. JACKSON, do hereby certify that this "Petition for Mandatory Injunction from Congressional Enactment of the Pathological Lottery Act, 18 U.S.C. 1307 (1974) that violates Article One of the United States Constitution" is being deposited in the U. S. Postal Service by First Class Mail, postage prepaid, to the United States Court of Appeals from the District of Columbia Circuit and the following counsel of record on this _____ day of _____, 1994.

The Honorable Janet Reno
Attorney General of the United States
U. S. Department of Justice
Washington, D.C. 20530

Douglas A. Wickham
Assistant U.S. Attorney
Civil Division, 4th Fl.
555 Fourth Street, N.W.
Washington, D.C. 20530

Steven R. Ross, General Counsel

Charles Tiefer, Deputy General Counsel

Michael L. Murray
Senior Assistant Counsel
U.S. House of Representatives
The Capitol, H-112
Washington, D.C. 20515

APPENDIX A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILLIAM D. JACKSON,	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	No. 92-2434 SSH
	)	
UNITED STATES, et al.	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Before the Court are numerous filings by plaintiff challenging the legality of 18 U.S.C. 1307, plaintiff's motion for mandatory injunction, and motions to dismiss submitted by the United States House of Representative and the United States. Upon consideration of the entire record, the Court finds that plaintiff lacks standing to bring suit, and therefore, dismisses the case pursuant to Fed. R. Civ. P. 12(b) (1).

Plaintiff contends that 18 U.S.C. 1307, permitting certain state-authorized lotteries, violates 18 U.S.C. 1301-04, the Supremacy Clause, and the First, Fifth, Ninth, and

Fourteenth Amendments. Plaintiff, however, has failed to satisfy the standing requirement imposed by Article III. Standing requires that plaintiff demonstrate that he has suffered concrete and particularized injury; that the injury is fairly traceable to defendants' conduct; and that a favorable court decision is likely to redress the injury. Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 102 S. Ct. 752, 758 (1982). Plaintiff bears the burden of alleging facts sufficient to support standing. United Presbyterian Church in the U.S.A. v. Reagan, 738 F.2d 1375, 1383 (D.C. Cir. 1984). To establish standing, plaintiff alleges:

Plaintiff Jackson is being injured in fact, economically, environmentally, aesthetically and even the intangible injury such as the ability to live in a pathological gambling community.... 18 USC 1307 is a pathologically diseased lottery law that takes away protection from petitioner's right to be protected [by] a congressional

provision enacted and constitutionally adjudicated in the United States Supreme Court (18 USC 1301-1304) ...

Petition for Mandatory Injunction, at 3. These conclusory allegations are insufficient to demonstrate concrete and particularized injury, and plaintiff has not alleged any other facts that he has suffered such injury. To the extent that plaintiff asserts that he has suffered injury by living in a gambling community, this injury is insufficient to satisfy in common by all members of the public. Schlesinger v. Reservists Comm. to Stop the War, 94 S. Ct.2925, 2932 (1974).[1]

---

[1] The Court also finds that dismissal is appropriate under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff contends that 18 U.S.C. 1307 is illegal on the grounds that it conflicts with 18 U.S.C. 1301-04, which makes certain private lotteries and related activities illegal. Section 1307, however, expressly states that sections 1301 through 1304 do not apply to section 1307. Therefore, contrary to plaintiff's assertions, there is no conflict between these statutory provisions. Plaintiff also contends that section 1307 violates the First, Fifth,

Accordingly, it hereby is

ORDERED, that the case is dismissed as to each defendant. It hereby further is

ORDERED, that plaintiff's motion for mandatory injunction is denied as moot.

SO ORDERED.

(s) Stanley S. Harris
Stanley S. Harris
United States District Judge

Date:

Ninth, and Fourteenth Amendments; however, he fails to allege in what way these amendments are violated. Accordingly, assuming plaintiff had standing to sue, the Court would dismiss the case pursuant to Rule 12(b) (6).

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 93-5346 SEPTEMBER TERM, 1993

92CV02434

FILED FEB. 28, 1994

William D. Jackson

Appellant

v.

United States of America;
U.S. Congress

BEFORE: Edwards, Buckley and Sentelle, Circuit Judges

ORDER

Upon consideration of the petition for mandatory injunction, and the motion for summary affirmance, it is

ORDERED that the motion for summary affirmance be granted, substantially for the reasons stated in the district court's Memorandum Order filed October 20, 1993. The merits of the parties' positions are so clear as to warrant summary action. See taxpayers

Watchdog, Inc. v. Stanley, 819 F. 2d 294, 297 (D.C. Cir. 1987) (per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir.) (per curiam), Cert. denied, 449 U.S. 994 (1980). It is

FURTHER ORDERED that the petition for mandatory injunction be dismissed as moot.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See D.C. Cir. Rule 41.

Per Curiam
(init)
(init)
(init)

APPENDIX C

THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WILLIAM D. JACKSON,	)	
	)	
Appellant	)	
	)	
v.	)	No. CV 93-5346
	)	
Congress of the United States, et al.	)	FILED
	)	May 9, 1994
Appellees	)	
	)	

ORDER

PETITION FOR MANDATORY INJUNCTION
FROM CONGRESSIONAL ENACTMENT OF THE
PATHOLOGICAL LOTTERY ACT 18 U.S.C. 1307 (1994)
THAT VIOLATES ARTICLE ONE
OF THE UNITED STATES CONSTITUTION

THE SUPREME COURT PRACTICE-SEVENTH EDITION
STERN-GRESSMAN-SHAPIRO-GELLER
PAGE 386

7.2 TIME FOR FILING

SECTION A "A DIRECT APPEAL TO THE SUPREME COURT FROM ANY DECISION UNDER SECTION 1253 OF THIS TITLE, HOLDING UNCONSTITUTIONAL IN WHOLE OR IN, PART, ANY ACT OF CONGRESS APPEAL SHALL BE TAKEN WITHIN THIRTY DAYS AFTER THE ENTRY OF ANY FINAL ORDER, JUDGEMENT OR DECREE."

THE RECORDS SHALL BE MADE UP AND THE CASE DOCKETED WITHIN SIXTY DAYS, FROM TIME OF SUCH IS TAKEN UNDER RULES SUBSCRIBED BY THE SUPREME COURT.

MALBURY V. MADISON, 1-CRANCH 137 2L.ED. 60-1803. IN ALL CASE IT IS A GENERAL AND INDISPUTABLE RULE; WHERE THERE IS A LEGAL RIGHT. THERE IS ALSO A LEGAL REMEDY. BY SUIT OR ACTION BY LAW, WHENEVER THAT RIGHT IS ABATED. "MALBURY HAD A LEGAL RIGHT."

THE SUPREME COURT OF THE UNITED STATES HAD NO ORIGINAL POWER TO ISSUE AN INJUNCTION AGAINST AN ACT OF CONGRESS (PATHOLOGICAL GAMBLING ENACTMENT 18-U.S.C.-1307-CRIMINALLY CODIFIED) THAT IS IN VIOLATION.

THE SUPREME COURT DOES HAVE APPELLATE POWER JURISDICTION, EXCEPT IN CASES WHERE IT HAS ORIGINAL JURISDICTION.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 93-5346
SEPTEMBER TERM, 1993

92CV02434

William D. Jackson

Appellant

v.

United States of America;
U.S. Congress

BEFORE: Edwards, Buckley and Sentelle, Circuit Judges

ORDER

Upon consideration of the petition for mandatory injunction, and the motion for summary affirmance, it is

ORDERED that the motion for summary affirmance be granted, substantially for the reasons stated in the district court's Memorandum Order filed October 20, 1993. The merits of the parties' positions are so clear as to warrant summary action. See taxpayers

Watchdog, Inc. v. Stanley, 819 F. 2d 294, 297 (D.C. Cir. 1987) (per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir.) (per curiam), Cert. denied, 449 U.S. 994 (1980). It is

FURTHER ORDERED that the petition for mandatory injunction be dismissed as moot.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See D.C. Cir. Rule 41.

Per Curiam

The Congress for these United States of America and The Third Article Courts are exercising powers of which they are not entitled. Plaintiff is being denied the right to be heard in the exercise by the Judiciary for which they are not entitled. Plaintiff brought a single line item federal issue to this court "Petition for Mandatory Injunction from congressional enactment of the Pathological Lottery Act 18 U.S.C. 1307 (1974) that violates Article One of the United States Constitution." This is an extraordinary prceeding, prerogative in nature, addressed to preventing a continued exercise of authority unconstitutionally asserted.

Plaintiff's Motion for Injunction is intended to prevent a continuing exercise of powers that are not conferred by law and is not protected by the Constitution. When on e uses an unconstitutional law to prevent a constitutional statute, they are not protected by the 11th Amendment. (Exparte Young)

Petitioner filed a quest for presenting information concerning acts of Congress that are in violation of the United States Constitution the first time in 1987.

He didn't know anything about the rules of procedure that appeared to have organic power more than the fundamental substance upon which the violated statute possessed.

Petitioner's appeal was for declaratory judgment that Congress would be made known that they are in violation of the Commerce Contract Clause in the Home Rule Reorganization Act as follows "Appeared in Separation of Power Principles", Exhibit A - is not the Issue before us.

Because the United States Court of Appeals for the District of Columbia Circuit is a three judge decision has denied Petitioners quest for "Mandatory Injunction from Congressional Enactment of the Pathological Lottery Act 18 U.S.C. 1307 (1974) that violates Article One of the United States Constitution " is contrary to

the organic law of the United States Constitution.

"Except as otherwise provided by law any party may appeal to the Supreme Court from an order granting or denying after notice an interloctury order of permanent injunction in a civil action suit or proceeding required by an Act of Congress to be heard and determined by a District Court of three Judges. Rule 28 U.S.C. 1253.

Case before us is a Federal issue. The U.S. Congress and the Appellate Court is in violation of the U.S. Constitution Article III.

It is not the Petitioners purpose to disrespect the authority of judiciary practices, however, it is petitioners duty to insist upon constitutional restriction in the exercise of those powers that hold his constitutional bill of rights to be heard.

Citizen Jackson remains impressed that the constitution for these United States of America when applied by its administrators shall never

loose its power.

The only complete question of principle before us from which Petitioner seeks appeal is whether the Congressional enactment of criminal codified 18 U.S.C. 1307 is contemplated as a regressive form of taxation sanctioned by the Supreme Court to be constitutional."

Roe v. Wade U.S. 113 (1973) once on appeal was properly before the Court, its jurisdiction to the entire appeal "and the Court" in interest of judicial economy and the avoidance of piecemeal litigation could review any declarations that accompany or denial of an injunction.

The Court even held that a Three Judge Court was unnecessary when the state statute was so clearly unconstitutional as to make frivolous that the statute on its face was unconstitutional. Bailey v. Patterson 369 U.S. 31,33 (1992).

Marbury v. Madison, 1 Cranch 137; 2L. Ed., 60 (1803).

In all cases, it is a general and indisputable rule, where there is a legal right, there is also a legal remedy by suit, or action at law, whenever that right is invaded.

The Supreme Court of the United States had no original power to issue an injunction against an act of Congress that is violation to the United States originally the Constitution does say that the Supreme Court does have appellate jurisdiction except in cases here it has original jurisdiction.

The particular jurisdiction phraseology of the Constitution of the United States confirms and strengthens the principle supposed to be to al written constitutions that a law repugnant to the Constitution (18 U.S.C. 1307) is void.

Issue: 18 U.S.C. 1307

A General Term for an Action

Cases of Controversy

A question contested before a court of justice and aggregate of facts which furnishes occasion for the exercise of the jurisdiction of

a court of justice.

A judicial proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed; any proceeding judicial in nature, 18 U.S.C. 1307, 18 U.S.C. 1304.

In ordinary usage, the word, "case" means event "happening", or "circumstance".

Controversy--a litigated question: adversary proceeding in a court of law.

In the constitutional sense, it means more than disagreement or conflict; rather it means the kind of controversy traditionally decided, cause of action, Article III of the U.S. Constitution.

Except as otherwise provided by law, any party may appeal to the Supreme Court from an Order granting or denying after notice and hearing and interlocutory of permanent injunction in a civil action suit or proceeding required by an Act of Congress to be heard and determined by a district Court of three judges.

This Court must appeal the ruling because the statutory question is substantial.

This is not a common law case; it is a national violation that is of criminal substance and inherent danger.

Congress and this court is not permitted to violate the United States Constitution.

With the confines of the law. Supreme Court Practice - Seventh Edition, Stern, Guessman, Shapiro and Gueller, Federal Civil Rules of Procedure, page 386, 1991, revised edition, page 67. 28-1253 - Direct Appeals from decisions of three Judge Courts.

Section A. A direct Appeal to the Supreme Court from any decision under section 1253 of this title, holding unconstitutional in whole or in, part, any Act of Congress, appeal shall be taken within thirty days after the entry of any final order, judgment or decree.

The record shall be made up and the case docketed within sixty days from time of such is taken under rules subscribed by the Supreme

Court.

Marbury v. Madison, 1 Cranch -137 2 ltd. 60 (1803).

In all cases it is a general and indisputable rule; where there is a legal right, there is also a legal remedy by suit of action by law, when ever that right is abated.

The Supreme Court of the United States had no original power to issue an injunction against an Act of Congress (Pathological gambling lottery enactment - 18 U.S.C. 1307 - Criminally Codified) that is in violation.

The Supreme does have appellate power jurisdiction except in cases where it has original jurisdiction.

Petitioner William D. Jackson is a natural born American citizen. According to the majestic authority he is protected by natural law firstly then organic law. He is not on trial, he is poor but not a pauper.

There seems to be a feeling that the Supreme Court exercising its power to make rules

of procedure without affecting substantive fundamental rights.

The rules of procedure on ministerial acts are divided into two classes (1) those that are ministerial solely and involve no judgment of discretion.

Those that are quasi judicial a purely ministerial act--is one which a person performs on a given state of act in a prescribed manner, in the obedience to the mandate of constitutional authority in this instance natural law.

This particular jurisdictional phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be to al written constitutions that a law (18 U.S.C. 1307) repugnant to the constitution is void.

Federal Rules of Procedure 81 (a)2, An extraordinary proceeding prerogative in nature, addressed to preventing a continued exercise in authority, unlawfully asserted. It is intended

to prevent exercise of powers that are not conferred by law and is not ordinarily available to regulate the manners of exercising such powers.

Separation in Principal of Power

These United States are preempted from any voice in this National Federal issue.

This is a Constitutional Issue

Because it involves fundamental law in the Federal Seat of Government, the laws or system of laws that prescribes and regulates the manner of it's exercise.

Appellees for the United States certificate of counsel understands that the signature of an attorney or party constitutes a certificate that the signer has read the pleadings, motions or other papers; that to the best of the signers knowledge information and belief formed after reasonable inquiry is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or

reversal of existing law, and that it is not interposed for any improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

If a thorough answer requires a discussion of several subordinate matters - discuss in outline form. If they are sufficiently important under several point heading clarity of expression.

Potential oversight in that 18 U.S.C. 1307 violates positive law prescribed by the Constitution that provides citation absolute explicit substantive facts.

28 U.S.C. 1253. Relating to direct appeals from decision of three Judge Courts involving orders of Interstate Commerce Commission (Article I, Sec. 8, clauses III, XVII and XVIII, "Holding federal laws repugnant to the Constitution").

Petition for mandatory injunction from congressional enactment of the pathological lottery (criminal codified) Act 18 U.S.C. 1307

(1974) that violates Article One of the United States Constitution, dismissed as moot is invalid as a federal question.

Pursuant to Fed. Rule of Civil Procedure, 28 U.S.C. 2403, Rule 65-28, U.S.C. 1331, federal question, Article 3, U.S. Federal case of controversy in violation of enumerated Act of the U.S. Constitution, Article 1, Section 8, Clause 3, 17, and 18 in violation of the supremacy clause, Article 6 and Amendments I, V, XIV. Appellant respectfully moves that this court shall grant his substantive due process of law, 1st 5th, and 14th Amendment rights to be heard in the constitutionally ordered court for this documented case of controversy that is ripe, justiciable with no need for judicial constitutional construction. Appellant moves that due to constantly growing danger that can be validated that this federal question will be appealed to the Supreme Court - 28 U.S.C, 1253 - 81(a)2.

Appellant moves for the Federal Rules of Judicial Procedure Rule 201:

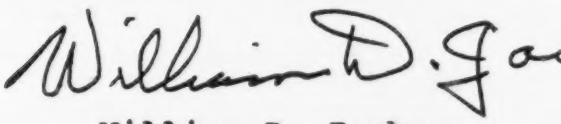
(A) Judicial notice of adjudicated facts;

(B) When mandatory - a court will take judicial notice if requested by a party and supplied with necessary information, and

(C) Opportunity to be heard upon timely request.

This appeal is taken pursuant to 28 U.S.C. 1253.

Respectfully submitted,



William D. Jackson

Appellant

CERTIFICATE OF SERVICE

I, WILLIAM D. JACKSON, do hereby certify that this "Petition for Mandatory Injunction from Congressional Enactment of the Pathological Lottery Act 18 U.S.C. 1307 (1974) that violates Article One of the United States Constitution" is b ing deposited in the U.S. Postal Service by First Class Mail, postage prepaid,to the United States Court of Appeals from the District of Columbia Circuit and the following counsel of record on this _____ day of _____, 1994.

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
Washington, DC 20530

Douglas A. Wickham
Assistant U.S. Attorney
Civil Division, 4th Fl.
555 Fourth Street, N.W.
Washington, DC 20530

Steven R. Ross, General Counsel

Charles Tiefer, Deputy General Counsel

Michael L. Murray, Senior Assistant Counsel
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Assistant United States Attorney

Douglas Wickham,
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Ron Garvin, Clerk

William D. Jackson, Pro-Se

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J.D. Bates, D.C.,
Assistant United States Attorney

Douglas Wickham,
Assistant United States Attorney

Ron Gavin,
Clerk

William D. Jackson

William D. Jackson, Pro-Se

Attachment 1

MEMORANDUM AT LAW

One who reads these petitions of moral evidence is reading inductive facts if constitutionally adjudicated laws of stare decisis precedence and constant substance.

American Citizen, Rev. William D. Jackson, and in a conventional language level symbol is a public minister. He is injured in fact by a lottery law. 18 U.S.C. 1307, enacted by the U.S. Congress that is in violation of the Constitution, Article One, Section Eight.

1895 - Affirmed 1903. Title, 18 U.S.C. 1301-1302-1303-1304 all prohibit the usage of Federal Commerce facilities by lotteries.

To repeal this criminal statute, Title 18 to effect a legal change would take more than normal values in public opinion initiative.

The Code of Criminal Procedure body of federal state law dealing with procedural aspects of trial or criminal cases; e.g; 18 U.S.C. A. Section 300/et seq. Such procedural

laws are supplemented by rules of Criminal Procedure and Rules of Evidence. See Code of Federal Regulations Criminal Law.

The substantive Rules of Criminal Law is that law which is for the purpose of preventing harm to society: a) declares what conduct is criminal; and b) describes what punishment is to be imposed for such conduct. It includes the definition of specific offenses and general principles of liability. Substantive criminal laws are commonly codified into criminal or penal code.

Criminal Statute Code federal and state laws enacted by legislative bodies which define, classify, and set forth punishment for specific crimes - Title 18 U.S. Code.

Federal Government Issue Over Advertisement

Facilities Prohibiting Usage by Lotteries

The commerce clause is under Article One of the U.S. Constitution which is an enumerated one.

The issue in this case in involving the

commerce power granted above (Article 1 of the U.S.C.). Thus, saying that the federal government is one of "enumerated powers¦ to the effected of possessed competence to govern this subject matter granted by the U. S. Constitution. 18 U.S.C. 1304 (1895)

The congressionally enacted 18 U. S.C. 1307 has its target aimed at taking away the federal protection in the advertising usage of F.C.C. by lotteries power being held in 18 U.S.C. 1304 above.

Attachment 2

The following statistics were given in a March 14, 1994 magazine article from U.S. News titled "America"s Gambling Craze."

- It took six decades for gambling to become America's Past Time.
- The gradual creation of 37 states lotteries broke down the public's mistrust conveying a clear message that the government sanctioned gambling and depended on it as a tax revenue source.
- In 1992, Americans wagered $300 billion on legal gambling. A 1,800 percent increase over 1976.
- Americans made 92 million trips to casinos in 1993.
- State and municipal lottery sales were $24 billion in 1992.
- It is predicted that $35 billion will be lost by gamblers at casinos in 1995.
- A July 1993 Gallup Poll reported that close to 5% of Americans have a serious gambling problem. This percentage will more than likely soar as the number of casinos continue to grow.
- There are casinos in 23 states thus far. It is expected by the year 2000 that 95% of all Americans will be within a 3-4 hour drive of a casino.

- There were 200 new bills regarding gambling introduced by federal, state and local lawmakers in the first six weeks of this year alone.
- There are only two states, Utah and Hawaii, that have no legal gambling of any kind.